



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
March 24, 2022
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1. Call to Order and Roll Call

Chair Brown called the Board Meeting to order at 10:01 a.m., Thursday, March 24, 2022, at the AMAFCA office in Albuquerque, NM. The meeting was accessible via Zoom to comply with AMAFCA Resolution No. 2020-05, a Resolution of the Governing Body of the Albuquerque Metropolitan Flood Control Authority, Authorizing the Exercise by Board of Directors of Amended Procedures for the Conduct of Public Meetings During the Effective Period of Executive Order No. 2020-004, Issued by the Governor of New Mexico on March 11, 2020.

Audio interference was noted during various Agenda items. The Zoom program cut off later in the meeting and resumed shortly thereafter.

Directors present via Zoom and / or in person:	Chair Ronald D. Brown – via Zoom Director Bruce M. Thomson – at the AMAFCA building Director Elizabeth Newlin Taylor – at the AMAFCA building Director Orlando G. Martinez, Jr. – at the AMAFCA building Director Tim Eichenberg – at the AMAFCA building
Directors excused:	None
Attorney present via Zoom and / or in person:	William Zarr, Robles, Rael & Anaya - at the AMAFCA building
Others present via Zoom and / or in person:	Jerry M. Lovato, P.E., Executive Engineer Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Director Thomson made a motion to approve the Agenda. Director Taylor seconded the motion, which passed (5-0), on a roll call vote.

3. Meetings Scheduled

- a. April 28, 2022, 10:00 a.m. – Regular Meeting**
- b. May 26, 2022, 10:00 a.m. – Regular Meeting**
- c. June 23, 2022, 10:00 a.m. – Regular Meeting**

There were no changes to the dates.

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4. Items from the Floor Public Comments

No items from the floor or public comments were received.

5. Approval of Minutes

a. February 24, 2022

Director Taylor made a motion to approve the Minutes of February 24, 2022. Director Thomson seconded the motion, which passed (5-0), on a roll call vote.

6. Consent Agenda

Chair Brown referred to **Agenda Items 6.a. through 6.g.** on the Consent Agenda. Director Eichenberg made a motion that the Board accept the items on the Consent Agenda.

The motion approved the following:

- Calabacillas Grade Control Structures 3a1, 3b1, and Associated Bank Protection – Professional Services Contract with Bohannon Huston, Inc.; and
- Bond Counsel Services – Second Extension with Modrall, Sperling, Roehl, Harris & Sisk, P.A.; and
- Financial Advisor Services – Second Extension with RBC Capital Markets; and
- General Legal Counsel Services – Second Extension with Robles, Rael & Anaya, P.C.; and
- Calabacillas GCS 2 Extension – Amendment 1 to the Design and Engineering Services Contract with Weston Solutions; and
- Lot 9A, Block 3, Tract 2, Unit 2, of North Albuquerque Acres Subdivision – Executive Engineer to accept Drainage Easement; and
- Design and Construction Management Engineering Services for Agency and Area-Wide Flood Control Rehabilitation X – Second Extension with Conley Engineering.

Director Taylor seconded the motion, which passed (5-0), on a roll-call vote.

7. Executive Engineer's Report

a. Notification of Past Month's Activities

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referenced the late mailout which highlighted significant activities from the previous / current month and answered questions from the Board.

- **Governmental Affairs**

Legislative Liaison: The legislative liaisons, Ms. Vanessa Alarid and Mr. Mark Fleisher, have been doing a great job keeping AMAFCA's infrastructure needs at the forefront for American Rescue Plan Act (ARPA) funding; AMAFCA did not receive any ARPA funding;

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additional funds are being looked at for future ARPA requests; projects have been identified that could be eligible for grants in the future; and the liaisons have been working with Mr. Martin Chavez, at the State level, to develop criteria for some of those grant proposals.

MMO Partners: AMAFCA has been working with John O'Donnell and Kyriakos Pagonis to identify federal programs and funding streams for projects such as the Black Mesa Pump Project under the Rural Western Water Section 4008 and Water Resources Development Act of 2022 and the South Diversion Channel (SDC) Outfall Project under Section 1135 Continuing Authorities, which is an environmental project with the Corps of Engineers. Both of the projects have been introduced and are being supported, at this point, by the New Mexico Congressional Delegation. AMAFCA has some long-term projects which would require being part of legislation funding associated with the Corps of Engineers and / or FEMA funding in Fiscal Years 2023 and 2024.

Looking at grant proposals and how AMAFCA would qualify against other projects in the United States, New Mexico is at a huge disadvantage since there is no technical data to show that there has been damage associated with rain events. AMAFCA does not have a lot of rain and stream gauges to identify every time there is a rain event and what type of runoff or damage is occurring. Kentucky and Tennessee have a lot more equipment, data, and information with their programs. The States of New Mexico, Arizona, and Nevada are taking the approach that they are considered the arid southwest. While the number of rain events are limited with only six to nine inches each year, there are some devastating effects. These issues will be introduced to the Congressional Delegation and the States will ask to change eligibility standards for the arid southwest. The States of New Mexico and Arizona have a waiver, under the arid southwest, with the Environmental Protection Agency for the Municipal Separate Storm Sewer System (MS4) Permit.

- **Project Management**

Pino Dam Emergency Spillway – Hydraulic Analysis Project: AMAFCA staff has been working with an adjacent property owner concerning development of the adjacent lot. During the review of the draft design, the location of AMAFCA's emergency spillway easement was questioned. Through additional engineering and surveying, AMAFCA has confirmed that if the spillway was operational, it would encroach on private property. There was a discussion regarding AMAFCA having an established standard with respect to the level of service that AMAFCA achieves with its facilities; have a level of standard of 100-year protection so people don't have to buy flood insurance; have other facilities that provide protection much greater than 100-year event. For example, North Diversion Channel (NDC) conveys a lot more water than the 100-year event as well as both the Tijeras Arroyo and portions of the Calabacillas Arroyo; depending on the facility, AMAFCA has facilities that contain / convey runoff greater than the 100-year event; Board questioned if it would be prudent for AMAFCA to have an updated statement of AMAFCA's criteria with respect to facilities; criteria would be that AMAFCA would build the facility, design to a minimum of a 100-year storm, then design to a storm greater than that, if reasonable and economically feasible; the Enabling Legislation would be reviewed and information brought back to the Board; AMAFCA cannot change the criteria for a Dam; have to follow

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certain rules from the Dam Safety Bureau (DSB); there is a requirement for any amount of water that we hold, be it a 50-year event, 25-year event, or 10,000-year event, AMAFCA would have to be able to pass the Probable Maximum Precipitation standard (PMP); to pass the PMP there would need to be an easement to make sure water stays within, which is a requirement for the Office of the State Engineer (OSE); a PMP on the North Diversion Channel (NDC) makes sense as 100,000 people would be impacted if there was a failure; and the Board noted it sounds like AMAFCA is worried about washing away part of an individual's property and the consequences of failure are pretty small and the probability is extremely low. Ms. Nicole M. Friedt, AMAFCA Engineer II, clarified that the property owner is trying to develop a project right on the edge of North Albuquerque Acres (NAA); all the issues that AMAFCA had been experiencing in NAA easements / areas for drainage conveyance could potentially happen here if this developer is allowed to build houses right up against this emergency spillway; Pino Dam is a high hazard dam that has to meet safety requirements; if developed as planned, citizens' backyards would be pressed up and overlapping on what is functioning as part of the emergency spillway; the NDC, SDC, and a portion of the Calabacillas can handle the 500-year storm; and the Board cautioned / questioned should AMAFCA build a facility greater than the 500-year event.

- **Public Outreach**

Harvey Jones Bioswale Project: AMAFCA field staff, along with MRGCD and SSCAFCA field crews, worked to construct a bioswale project at the end of the Harvey Jones Channel. A grand opening of the project is scheduled for 10:00 a.m. on April 7, 2022.

There was a brief discussion in response to a question from the Board regarding the status of the known construction problems with the NDC Outfall. Mr. Lovato advised that the UNM Civil Engineering Lab is not being managed at this time (Ryan Webb left for a position at the University of Wyoming) so there is a delay in getting information; the engineering firms of Weston and Bohannon Houston had asked for additional data; and at that time, both AMAFCA and the UNM Lab Manager, felt it was unnecessary, as it was outside of the flow regimes that cause the problem.

- b. Notification of On-Call Services Task Orders**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referred to the memo for task orders issued over the last month. There were no questions.

- 8. Financial Matters**

- a. Financial Matters – Approval of Expenditures**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board.

Director Thomson made a motion to approve the February 2022 Expenditure Report. Director Eichenberg seconded the motion, which passed (5-0), on a roll call vote.

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b. Other Matters

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There were no questions.

9. Series 2022 Bond Sale - Introduction

a. Bond Sale Presentation by RBC Capital Markets

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, introduced Mr. Erik Harrigan with RBC Capital Markets. The presentation included some of the following: History of Assessed Valuations; Tax Rate History; Current Outstanding Debt; Finance Plan; Time Schedule; Economic Overview Reflects Increased Volatility – Invasion of Ukraine and Monetary Policy Concerns; Recent Performance of Major Asset Classes; Overview of Key US Market Themes; Interest Rate Movements; Current Municipal Market Conditions for AAA Municipal Market Data; and Municipal Bond Fund Flows. Responding to a question from the Board, Mr. Harrigan covered information pertaining to the City of Albuquerque's (CoA) Bond sale that happened earlier in the morning.

b. Draft of Resolution 2022-04, Notice of Bond Sale

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There were no questions.

10. Legal

a. Status Report

Attorney William Zarr summarized information provided in the memo. There were no questions.

11. Joint Projects

a. Calabacillas West Branch Grade Control Structure #11 – Approval to Advertise for Construction Bids

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. There was a brief discussion regarding the cost share, which had already been agreed upon, and an upcoming cost share agreement for dirt that would be stockpiled on another site for CoA to use on their future McMahon project.

Director Thomson made a motion to authorize the advertisement of Construction Bids for the Calabacillas West Branch Grade Control Structure #11 Project. Director Taylor seconded the motion, which passed (5-0), on a roll call vote.

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b. Grantline Water Quality Structure Lining Project - Partnership with New Mexico Department of Transportation – Approval of Funding Agreement for the Grantline Water Quality Improvement Project

Ms. Nicole M. Friedt, AMAFCA Engineer II, summarized information provided in the memo and answered a question from the Board.

Director Taylor made a motion to approve the Funding Agreement for the Grantline Water Quality Improvement Project with the New Mexico Department of Transportation. Director Eichenberg seconded the motion, which passed (5-0), on a roll call vote.

c. Salida Sandia Road Repair – Approval of Funding Agreement with Bernalillo County to Provide Funding, Design, Construction, and Project Management

Ms. Nicole M. Friedt, AMAFCA Engineer II, summarized information provided in the memo and answered questions from the Board.

Director Thomson made a motion to approve the Funding Agreement with Bernalillo County to Provide Funding, Design, Construction, and Project Management for the Salida Sandia Road Repair. Director Taylor seconded the motion, which passed (5-0), on a roll call vote.

12. Projects

a. Calabacillas Grade Control Structure 2 Extension Project – Award of Construction Contract to Qualified Bidder

Mr. Nolan Bennett, AMAFCA Field Engineer, presenting for Mr. Kevin Troutman, AMAFCA GIS Manager, due to a scheduled vacation, summarized information provided in the memo and answered a question from the Board.

Director Eichenberg made a motion to award the Construction Contract for the Calabacillas Grade Control Structure 2 Extension Project to CBKN Dirtworks, Inc., in the amount of \$496,800.00, plus New Mexico Gross Receipts Tax. Director Martinez seconded the motion, which passed (5-0), on a roll call vote.

b. North Domingo Baca Dam – Update on Dam Expansion Project

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo. He noted Messrs. Luke Smith and Tyler Ashton with Wilson and Company, Inc., were available for any questions and summarized information provided in the memo. Part of the presentation covered the location; the watershed itself has seen significant development over the past 40 years; the La Cueva Diversion was completed in 1994; discussions with the OSE-DSB, along with results from the Post Wildfire Sediment Risk Assessment, highlighted the need to investigate which modifications would be necessary to the North Domingo Baca Dam (NDBD) as shown in the Hydrologic Analysis Report from Wilson and Company; the analysis looked at the 100-year storm and confirmed it would not be able to handle the storm without going over the spillway; there is no room for a maintenance road now, but will excavate to the east to accommodate; referenced

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sediment agreements being utilized to remove excess sediment in the area; and AMAFCA hopes to go to construction in the fall. Responding to questions on how much sediment has been removed and the cost, there was a brief discussion regarding sediment at AMAFCA facilities and provided Black Dam as an example where there was too much sediment and various agreements were made for contractors to collect and haul at their expense; near NDBD there is no dirt and the cost could go for \$7-\$10 a cubic yard (cy); AMAFCA does sell sediment that AMAFCA has collected and stockpiled; the OSE is in favor of having additional grading done at the Dam; there is a minimal amount of impact on AMAFCA's budget (if payments for sediment are not collected); sediment contracts are generally for 1,000 cy; and the Board noted it was a good idea to do everything AMAFCA can to encourage dirt to be taken out of the facility at the contractor's expense. It was suggested, and Mr. Bennett agreed, that AMAFCA would schedule a public meeting to explain the situation, plan, and timeline.

c. Zuni Penn Regional Drainage Facility – Project Update

Mr. Patrick Chavez, AMAFCA Stormwater Quality Engineer, summarized information provided in the memo and answered several questions from the Board. Part of the presentation referenced Civil Site Plans; Pond Storage, Overflow, Drains, and Ramp; Pumping Profile View; Retaining Wall Orientation; and Project Timeline.

13. AMAFCA Field Highlights

a. Field Report

Mr. Nolan Bennett, AMAFCA Field Engineer, gave a brief report on various projects / events and answered questions from the Board.

b. Construction Report

Mr. Nolan Bennett, AMAFCA Field Engineer, referred the Board to the Construction Report. There were no questions.

14. Stormwater Quality

Mr. Patrick Chavez, AMAFCA Stormwater Quality Engineer, summarized information provided in the memo. Part of the presentation covered the recent Land and Water Summit; Facilities Operations and Maintenance; and reiterated that AMAFCA only has six years' worth of levellogger data on file. Mr. Esqui Padilla, AMAFCA Oiler/Stormwater Quality Technician, provided information regarding data that will be collected with an expansion of the water quality testing and monitoring program, west of the Rio Grande.

15. AMAFCA FY-2023 Budget

a. Surplus Property Report

Mr. Willie West, AMAFCA Real Estate Manager, summarized information provided in the memo and answered questions from the Board. It was suggested at some point, AMAFCA take a critical

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look at the parcels and there might be some that could be sold.

b. AMAFCA Equipment and Fleet Evaluation

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo and answered questions from the Board. There was a brief discussion regarding the Acquisition and Savings Fund; referenced the list of equipment with anticipated life span of each item; noted the maintenance crew and superintendent are doing a good job at anticipating the equipment needs and doing what can be done to keep the equipment working longer; AMAFCA utilizes judgment to keep the fleet in service and utilize pieces of equipment for multiple purposes; and AMAFCA would be looking at Capital Outlay from the State Legislature for equipment purchases.

c. FY-2023 Revenue Projections

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There were no questions.

d. Draft FY-2023 General Fund Budget

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There were no questions.

e. Draft FY-2023 Acquisitions & Savings Fund Budget

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There were no questions.

f. Draft FY-2023 Construction Fund Budget

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. Mr. Lovato referred the Board to Tiers 1, 2, and 3 listed on page 2 of the memo. He advised that Tier 3 projects would be considered for federal funding. Also, those projects in Tier 3 would be Corps of Engineer designed and managed project with AMAFCA being involved as a local sponsor. There were no questions.

g. Draft FY-2023 Agency & Area-Wide Fund Budget

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There were no questions.

h. Draft FY-2023 Debt Service Fund Budget

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There were no questions.

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i. Draft FY-2023 Fiduciary Fund Budget

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There were no questions.

Responding to a question on the budget process itself, Mr. Chavez covered the remaining steps needed for the Board and then the submission to Department of Finance and Administration for approval. He noted there may be change made due to possible increases to insurance for Property, Auto, and Health Benefits.

16. Real Estate

a. Agricultural Lease – Rutherford Property Modification to Lease Agreement

Mr. Willie West, AMAFCA Real Estate Manager, summarized information provided in the memo and answered numerous questions from the Board.

Director Eichenberg made a motion to authorize the Executive Engineer to execute the Lease Modification with Messrs. Jason Baca and Juan Jojola. Director Thomson seconded the motion, which passed (5-0), on a roll call vote.

17. Executive Session (closed)

a. Discussion of Acquisition of Real Property (§ 10-15-1(H)(8)) – Southeast Valley Drainage and Water Quality Management Plan

Chair Brown advised **Agenda Item 17.a.** was a Closed Session agenda item. This was hosted in a Zoom Breakout session. Director Thomson made a motion that the meeting be closed, pursuant to the Open Meetings Act, § 10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in *“The Open Meetings Act, A Compliance Guide for New Mexico Public Officials and Citizens,”* eighth edition, 2015, to discuss Acquisition of Real Property. Director Eichenberg seconded the motion, which passed unanimously (5-0), on a roll call vote. Messrs. Lovato, West, and Romero, along with Legal Counsel remained.

Chair Brown closed the meeting at 1:00 p.m. Chair Brown asked for a motion to re-open the meeting at 1:21 p.m. Director Thomson made a motion that the meeting be re-opened. Director Taylor seconded the motion, which passed unanimously (5-0), on a roll call vote. Chair Brown stated that no action was taken during the Closed Session and only items that pertained to Acquisition of Real Property were discussed.

18. Unfinished Business

Responding to questions from the Board regarding the review of the base pay salary structure for AMAFCA employees, Mr. Lovato stated the consultant does not have the information to AMAFCA yet; however, he had reached out to the State of New Mexico and received some

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information. Mr. Herman Chavez had looked at the current internal structure and utilized the Consumer Price Index in order to get to the budgeted salary costs. Salary comparisons would be for like positions that have been received from engineering companies and others, as well as information on a national level, which would be modified for New Mexico.

19. New Business

None.

20. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 1:24 p.m.

Elizabeth Newlin Taylor, Secretary-Treasurer, 4/28/2022

If Draft is noted as a watermark, the minutes are in draft form, are not the official minutes of record, and are subject to approval by the AMAFCA Board of Directors.